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Attorneys For Defendant Citibank, N.A.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ANITA HUNTER, an individual; JOHNNA) Case No. C 09-02079 JW
BOZZA, an individual; CELLTEX SITE)
SERVICES, LTD., a Texas Limited Company;) Assigned to: Honorable James Ware
GRANDE INVESTMENT, LLC, a Colorado)
Limited Liability Company; QUIRK INFINITI,) STIPULATION AND [PROPOSED] ORDER
INC., a Massachusetts corporation; MICHAEL) TO EXTEND TIME FOR DEFENDANT
WHITTON, an individual; DOE PLAINTIFF,) CITIBANK TO FILE A REPLY ON ITS
an individual; and all others similarly situated,) MOTION TO DISMISS TO JANUARY 19,
) 2010

Plaintiffs.

vs)

**STIPULATION AND [PROPOSED] ORDER TO EXTEND TIME FOR DEFENDANT CITIBANK
TO FILE A REPLY ON ITS MOTION TO DISMISS TO JANUARY 19, 2010**

1 CITIBANK, N.A., a Nevada Corporation;)
2 COUNTRYWIDE BANK, FSB, a Virginia)
Corporation; BANK OF AMERICA)
3 CORPORATION, dba BANK OF)
AMERICA, N.A., a North Carolina)
4 Corporation; UNITED WESTERN BANK)
(f/k/a MATRIX CAPITAL BANK), a)
5 Colorado Corporation, et al.,)
6)
7 Defendants.)
8)
9

9 Defendant Citibank, N.A. (“Citibank”) and Plaintiffs, by their respective attorneys of
10 record, hereby stipulate as follows, and request that the Court enter an order granting Citibank, N.A.
11 until January 19, 2010 to file a reply memorandum in further support of its Motion to Dismiss
12 [docket #132]:

13 WHEREAS, Citibank filed its Motion to Dismiss [docket #132] on October 2,
14 2009, pursuant to a prior Order of the Court, and noticed the motion for hearing on January 25,
15 2010;

16 WHEREAS, by Clerk’s Notice [docket #204] entered on December 11, 2009, the
17 hearing on Citibank’s Motion to Dismiss was moved to February 8, 2010;

18 WHEREAS, by agreement of counsel for Citibank and counsel for Plaintiffs, and at
19 the direction of the clerk, the parties agreed that the Motion to Dismiss briefing would be conducted
20 based on the original hearing date of January 25;

21 WHEREAS, Plaintiffs filed their opposition to Citibank’s Motion to Dismiss on
22 January 4, 2010 [docket #211];

23 WHEREAS, Citibank’s reply would be due on January 11, 2010 under the local rules;

24 WHEREAS, given the passage of time since filing its Motion, and because the
25 hearing on the Motion had been reset to February 8, Citibank requested that Plaintiffs agree to a
26 short extension of time to file its reply memorandum by January 19 – an extension of one week plus
27 one day as a result of the intervening Martin Luther King, Jr. Day holiday;

28 WHEREAS, Plaintiffs’ counsel consented to the brief extension; and

1 WHEREAS, even with the requested extension, Citibank's reply memorandum will
2 be due twenty (20) days before the revised hearing date.

3 THEREFORE, Citibank and Plaintiffs respectfully stipulate and request that the
4 Court enter an Order permitting Citibank to file its reply memorandum in support of its Motion to
5 Dismiss on or before January 19, 2010.

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7 Dated: January 6, 2010

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10 By: /s/ John K. Van De Weert
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16 *Class*

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21 *Attorneys for Plaintiffs Quirk Infiniti, Inc.*
22 *and the Class*

23 I, John K. Van De Weert, am the ECF user whose ID and password are being used to file this
24 Stipulation. In compliance with General Order 45.X.B., I hereby attest that the counsel listed above
concurred with this filing.

25 IT IS SO ORDERED:

26 DATED: January 11, 2010


27 Honorable James Ware
United States District Judge